

Laws and Administrative Rules Governing Admission
To The Michael J Fitzmaurice South Dakota Veterans Home

33A-2-2. Wartime veteran and qualifying military service defined. For purposes of all statutes relating to rights, privileges, exemptions, and benefits of wartime veterans and their dependents, the term, wartime veteran, means any veteran who has performed qualifying military service or any person who has performed qualifying military service and then been released to any National Guard or Reserve component of the armed forces of the United States. Qualifying military service is:

- (1) Active duty in the armed forces of the United States for one day or more during the period from April 6, 1917, to November 11, 1918, inclusive;
- (2) Active duty for one day or more during the period from July 28, 1914, to November 11, 1918, inclusive, performed by a citizen of the United States in the armed forces of any nation that was allied with the United States during any part of the period from April 6, 1917, to November 11, 1918, inclusive;
- (3) Active duty in the armed forces of the United States for one day or more during the period from December 7, 1941, to December 31, 1946, inclusive;
- (4) Active duty for one day or more during the period from September 1, 1939, to December 31, 1946, inclusive, performed by a citizen of the United States in the armed forces of any nation that was allied with the United States during any part of the period from December 7, 1941, to December 31, 1946, inclusive;
- (5) Active duty in the armed forces of the United States for one day or more during the period from June 25, 1950, to May 7, 1975, inclusive;
- (6) Active duty in the armed forces of the United States for one day or more during the period from August 2, 1990, until the end of hostilities as determined by the Legislature;
- (7) Active duty in the armed forces of the United States for one day or more in a military action for which the veteran earned an armed forces expeditionary medal or other United States campaign, expeditionary, or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces; or
- (8) Active duty in the armed forces of the United States for one day or more if the veteran has established the existence of a service-connected disability.

Service on active duty by any Reserve or National Guard personnel for training may not be construed as service on active duty, unless the Veterans Commission determines, by rules promulgated pursuant to chapter 1-26, that such training involved the person in direct participation in or direct support of combat operations against a hostile force.

33A-4-25. Eligibility for admission to veterans' home--Residency requirement. Any wartime veteran as defined by § 33A-2-2, who has an honorable discharge, who has maintained a residence in the state at any time in the five years preceding the date of the application, and who has no income in excess of one thousand dollars per year above the maximum income limitation for pension benefits as determined by the United States Department of Veterans Affairs, is eligible for admission to the State Veterans' Home. For the purposes of this section, a residence is a physical structure in which a person resides and the term does not include a post office box or address of another mail service purchased by the veteran. A war veteran who meets the residence requirements and has a rating of total disability as defined by the United States Department of Veterans Affairs for pension and compensation purposes is also eligible for admission. Membership status at the State Veterans' Home is not affected because of a medical leave of absence either in a United States Department of Veterans Affairs facility or other hospital. A veteran who has honorably served in a South Dakota regiment during a wartime period meets the residency requirement. Any veteran who is an enrolled member of a federally recognized Indian tribe located wholly or partially in the state meets the residency requirement. **Source:** SL 1911, ch 230, § 8; SL 1913, ch 325, § 8; SL 1915, ch 278; RC 1919